

Message Text

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DRAFTED BY L/EUR:JWWILLIS

APPROVED BY C:HSNENFELDT

EUR:AAHARTMAN

H:KJENKINS

L:MLEIGH

S/S:MR. REDDY

S:MR. AHERNE

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FM SECSTATE WASHDC

TO USDEL SECRETARY IMMEDIATE

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FOR THE SECRETARY FROM LEIGH, HARTMAN, AND JENKINS

E.O. 11652: N/A

TAGS: CSCE

SUBJECT: ACTION MEMORANDUM: CSCE COMMISSION - DISCUSSION

-- WITH THE PRESIDENT OF THE PRESIDENTIAL LETTER

-- ON EXECUTIVE BRANCH PARTICIPATION

-- (S/S 7619637)

1. THE PROBLEM.

WE NEED THE PRESIDENT'S APPROVAL BEFORE DISCUSSING WITH
CHAIRMAN FASCELL THE DRAFT PRESIDENTIAL LETTER DELINEATING
OBSERVER STATUS FOR EXECUTIVE BRANCH MEMBERS OF THE CSCE
COMMISSION.

2. BACKGROUND.

THE DRAFT PRESIDENTIAL LETTER TO CHAIRMAN FASCELL
DELINEATING AN OBSERVER-TYPE STATUS FOR EXECUTIVE BRANCH
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MEMBERS OF THE CSCE COMMISSION, WHICH YOU APPROVED ON

SEPTEMBER 10, HAS NOW BEEN ENDORSED BY DOD, COMMERCE, AND THE NSC. AS OUTLINED IN OUR MEMO OF SEPTEMBER 1 (S/S 7618481), THE NEXT STEP IS FOR THE DRAFT LETTER TO BE DISCUSSED WITH THE PRESIDENT BEFORE LEIGH CONSULTS FASCELL ON IT.

3. RECOMMENDATION:

THAT YOU AUTHORIZE US TO SEND THE LETTER TO BRENT SCOWCROFT WITH THE REQUEST THAT HE DISCUSS IT WITH THE PRESIDENT.

APPROVE DISAPPROVE

ATTACHMENT:

DRAFT PRESIDENTIAL LETTER.

BEGIN QUOTE

HONORABLE DANTE FASCELL

DEAR MR. CHAIRMAN:

I AM WRITING IN REGARD TO EXECUTIVE BRANCH MEMBERSHIP IN THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE (CSCE) CREATED UNDER PL 94-304. AFTER CONFERRING WITH SECRETARY KISSINGER REGARDING THE DISCUSSIONS WHICH HE HAD WITH YOU ON AUGUST 24 RELATING TO THE NATURE OF EXECUTIVE BRANCH PARTICIPATION, I WISH TO CONFIRM MY UNDERSTANDING OF, AND AGREEMENT TO, THE CONSENSUS WHICH WAS REACHED AT THAT SESSION.

I WISH TO REITERATE PERSONALLY THE DEEP COMMITMENT OF THE EXECUTIVE BRANCH TO COOPERATE FULLY IN ASSISTING THE CSCE COMMISSION IN CARRYING OUT ITS APPROPRIATE FUNCTIONS. WE PLAN TO SUBMIT THE FIRST REPORT REQUIRED BY PL 94-304 ON DECEMBER 3, AND TO ASSIST THE COMMISSION IN OTHER APPROPRIATE WAYS BY PROVIDING WITNESSES, DOCUMENTS AND OTHER SUPPORT. WE VISUALIZE THIS COMMITMENT AS A CONTINUED OFFICIAL USE

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URING ONE AND WILL ASSURE THAT THERE ARE SUBSTANTIVE OFFICERS IN THE DEPARTMENTS OF STATE, DEFENSE, AND COMMERCE WHO ARE RESPONSIBLE FOR PROVIDING COORDINATION WITH THE COMMISSION ON A ROUTINE BASIS.

AS YOU ARE AWARE, THE ADMINISTRATION HAS BEEN CONCERNED ABOUT SEVERAL POTENTIALLY SERIOUS CONSTITUTIONAL AND POLICY PROBLEMS RAISED BY THE REQUIREMENT OF EXECUTIVE

BRANCH PARTICIPATION IN THE COMMISSION: EXECUTIVE BRANCH WITNESSES BEING INTERROGATED BY EXECUTIVE BRANCH MEMBERS, POSSIBLY LEADING TO UNCOORDINATED EXECUTIVE BRANCH POSITIONS; VOTING IN A SITUATION WHERE DECISIONS COULD BE TAKEN OVER EXECUTIVE BRANCH DISSENT AND EVEN IF LIMITED I

SCOPE AND ADVISORY IN NATURE INTERPRETED AS BINDING ON THE EXECUTIVE BRANCH AS WELL; AND REPORTS OR RECOMMENDATIONS WHICH FOREIGN GOVERNMENTS WOULD INTERPRET AS EMANATING FROM THE EXECUTIVE AS WELL AS THE LEGISLATIVE BRANCH. I AM PLEASED TO KNOW THAT YOU UNDERSTAND THESE CONCERNS AND ARE IN GENERAL AGREEMENT THAT THEY CAN BE MINIMIZED BY EXECUTIVE BRANCH PARTICIPATION AS MEMBERS WITH OBSERVER STATUS, RATHER THAN AS FULL MEMBERS OF THE COMMISSION.

THESE MEMBER-OBSERVERS WOULD NORMALLY ATTEND MEETINGS OF THE COMMISSION AND PARTICIPATE AS APPROPRIATE IN DISCUSSIONS AMONG THE COMMISSION MEMBERS. THEIR PARTICIPATION WOULD SERVE, AS THE STATUTE INTENDS, TO PROVIDE AN EXECUTIVE BRANCH OUTLOOK ON THE ISSUES UNDER CONSIDERATION BY THE COMMISSION. HOWEVER, IT WOULD BE UNDERSTOOD THAT THESE MEMBERS WOULD NOT PARTICIPATE IN ANY VOTES TAKEN BY THE COMMISSION OR IN THE EXAMINATION OF WITNESSES APPEARING BEFORE IT. FURTHER, THE EXECUTIVE BRANCH MEMBER WOULD RESERVE THE RIGHT TO ABSENT THEMSELVES FROM COMMISSION DELIBERATIONS WHEN THEIR PRESENCE FOR THE DISCUSSION OF CERTAIN SPECIFIC SUBJECTS WOULD ADVERSELY AFFECT US FOREIGN RELATIONS INTERESTS OR IMPACT ADVERSELY ON THE EXECUTIVE BRANCH-LEGISLATIVE BRANCH RELATIONSHIP. ANY REPORTS OR OTHER FINDINGS OF THE COMMISSION WOULD INDICATE THAT THEY HAVE RECEIVED NEITHER THE APPROVAL NOR THE DISAPPROVAL OF THE EXECUTIVE BRANCH MEMBERS. THE LIMITED OFFICIAL USE

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EXECUTIVE BRANCH OBSERVERS WOULD ASSUME NO RESPONSIBILITY FOR THE COMMISSION'S FORMAL CONCLUSIONS, EVEN THOUGH THEY WOULD HAVE AN OPPORTUNITY TO ASSIST IN SHAPING THE COMMISSION'S FOCUS AND PROCEDURES. I BELIEVE THAT THE LIMITATIONS OF THIS OBSERVER STATUS ARE ESSENTIALLY THOSE WHICH WERE DISCUSSED IN YOUR MEETING WITH SECRETARY KISSINGER.

I FULLY SHARE THE FURTHER CONSENSUS REACHED AT THE MEETING TO THE EFFECT THAT ANY SUBSEQUENT INFORMATION OR DOCUMENTS SOUGHT BY THE COMMISSION FROM THE EXECUTIVE BRANCH WILL BE REQUESTED NOT FROM THE EXECUTIVE BRANCH MEMBERS, BUT BY REQUESTS FROM THE CHAIRMAN TO THE APPROPRIATE DEPARTMENT OR AGENCY, AS IS THE NORMAL CONGRESSIONAL COMMITTEE PRACTICE.

ON THE ASSUMPTION THAT THESE ARRANGEMENTS ARE ACCEPTABLE
TO YOU, I SHALL BE ADVISING YOU SHORTLY OF THE NAMES OF
THE EXECUTIVE BRANCH MEMBER-OBSERVERS ON THE COMMISSION.
SINCERELY, GERALD R. FORD END QUOTE.

C (SONNENFELDT); AND S-RAHERNE
C (SONNENFELDT); AND S-RAHERNE

ROBINSON

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